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TWENTY-NINTH LEGISLATIVE DAY
MONDAY, FEBRUARY 3, 2003

Senate Chamber

President Risch called the Senate to order at 11:15 a.m.

Roll call showed all members present except Senators Sorensen and Stennett, absent and formally excused by the Chair; and Senators Burkett, Cameron, Noble, and Schroeder, absent and excused.

Prayer was offered by Chaplain Gene Arnold.

The Pledge of Allegiance was led by Hans Amen, Page.

The Senate advanced to the Third Order of Business.

Reading and Correction of the Journal

Senators Cameron and Schroeder were recorded present at this order of business.

The JUDICIARY AND RULES Committee reports that the Senate Journal of the proceedings of January 31, 2003, was read and approved as corrected.

DARRINGTON, Chairman

There being no objection, the report was adopted and ordered filed in the office of the Secretary of the Senate.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Sixth Order of Business.

Reports of Standing Committees

February 3, 2003

The JUDICIARY AND RULES Committee reports that **S 1047, S 1048, S 1049, S 1050, S 1051, S 1052, S 1053, S 1054, and S 1055** have been correctly printed.

DARRINGTON, Chairman

S 1047, S 1048, S 1049, S 1050, and S 1051 were referred to the Commerce and Human Resources Committee.

S 1052, S 1053, S 1054, and S 1055 were referred to the Transportation Committee.

January 31, 2003

The JUDICIARY AND RULES Committee reports that **S 1014** has been correctly enrolled.

DARRINGTON, Chairman

The President signed Enrolled **S 1014** and ordered it transmitted to the House for the signature of the Speaker.

January 31, 2003

The JUDICIARY AND RULES Committee reports out **S 1016** with the recommendation that it do pass.

DARRINGTON, Chairman

S 1016 was filed for second reading.

January 31, 2003

The STATE AFFAIRS Committee reports it has had under consideration the Gubernatorial appointment listed below and the Committee recommends that said appointment be confirmed by the Senate:

Jeffrey L. Bowen to the Idaho Bingo Raffle Advisory Board, term to expire January 7, 2005.

SORENSEN, Chairman

The Gubernatorial appointment was referred to the Tenth Order of Business, Motions and Resolutions, and ordered held at the Secretary's desk for one legislative day.

January 31, 2003

The RESOURCES AND ENVIRONMENT Committee reports out **H 6** with the recommendation that it do pass.

NOH, Chairman

H 6 was filed for second reading.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Ninth Order of Business.

Messages from the House

Senator Burkett was recorded present at this order of business.

January 31, 2003

Mr. President:

I transmit herewith **H 30, H 59, H 60, H 83, and H 44**, and I return herewith **S 1022 and S 1025**, which have passed the House.

JUKER, Chief Clerk

H 30, H 59, H 60, H 83, and H 44 were filed for first reading.

S 1022 and S 1025 were referred to the Judiciary and Rules Committee for enrolling.

January 31, 2003

Mr. President:

I transmit herewith Enrolled **H 55, H 74, and H 77** for the signature of the President.

JUKER, Chief Clerk

The President signed Enrolled **H 55, H 74, and H 77** and ordered them returned to the House.

The Senate advanced to the Tenth Order of Business.

Motions and Resolutions

The President announced the Transportation Committee report relative to the Gubernatorial appointment of Scott Patrick was before the Senate for final consideration, the question being, "Shall the report be adopted?"

On motion by Senator Ingram, seconded by Senator Bailey, the Gubernatorial appointment of Scott Patrick as a member of the Idaho Aeronautics Advisory Board was confirmed by voice vote.

The President declared the report adopted and directed the Secretary of the Senate to prepare a letter of the Gubernatorial appointment confirmation for his signature, attested to by the Secretary, to be transmitted to the Governor informing him of the action of the Senate.

The Senate advanced to the Eleventh Order of Business.

Introduction, First Reading, and Reference of Bills, House Petitions, Resolutions, and Memorials

S 1056

BY RESOURCES AND ENVIRONMENT COMMITTEE AN ACT

RELATING TO THE BOARD OF SCALING PRACTICES; AMENDING SECTION 38-1207, IDAHO CODE, TO REDUCE MINIMUM NUMBER OF REQUIRED MEETINGS OF THE BOARD OF SCALING PRACTICES AND TO MAKE TECHNICAL CORRECTIONS.

S 1057

BY RESOURCES AND ENVIRONMENT COMMITTEE AN ACT

RELATING TO THE IDAHO GEOLOGICAL SURVEY; AMENDING SECTION 47-201, IDAHO CODE, TO STRIKE THE TRANSFER OF RESPONSIBILITY FROM THE BUREAU OF MINES AND GEOLOGY TO THE GEOLOGICAL SURVEY, TO DELETE THE REQUIREMENT THAT THE DEAN OF THE COLLEGE OF MINES AND

EARTH RESOURCES OF THE UNIVERSITY OF IDAHO BE DIRECTOR OF THE GEOLOGICAL SURVEY AND THE BOARD CHAIRPERSON AND TO PROVIDE THAT THE CHAIRMAN OF THE DEPARTMENT OF GEOLOGICAL SCIENCES AT THE UNIVERSITY OF IDAHO SHALL SERVE AND BE COMPENSATED AS A MEMBER OF THE GEOLOGICAL SURVEY ADVISORY BOARD; AMENDING SECTION 47-202, IDAHO CODE, TO DELETE THE SPECIFIED DATE FOR THE ANNUAL MEETING OF THE ADVISORY BOARD, TO DELETE THE REQUIREMENT THAT THE OFFICE OF THE SURVEY'S SECRETARY BE MAINTAINED AT THE UNIVERSITY OF IDAHO, TO PROVIDE THAT THE DIRECTOR OF THE SURVEY SHALL REPORT TO AND BE APPOINTED BY THE VICE PRESIDENT FOR RESEARCH AT THE UNIVERSITY OF IDAHO AND TO STRIKE UNNECESSARY VERBIAGE; AND AMENDING SECTION 47-203, IDAHO CODE, TO PROVIDE FOR THE PREPARATION AND PUBLICATION OF REPORTS ON HYDROGEOLOGY AND GEOLOGIC HAZARDS AND TO DELETE THE REQUIREMENT THAT THE STATE SURVEY MAINTAIN LABORATORY FACILITIES TO PERFORM NONCOMMERCIAL MINERAL AND CHEMICAL ANALYSES.

S 1058

BY RESOURCES AND ENVIRONMENT COMMITTEE AN ACT

RELATING TO WATER RIGHTS; AMENDING SECTION 42-221, IDAHO CODE, TO INCREASE CERTAIN FEES OF THE DEPARTMENT OF WATER RESOURCES AND TO MAKE A TECHNICAL CORRECTION.

S 1059

BY RESOURCES AND ENVIRONMENT COMMITTEE AN ACT

RELATING TO FISH AND GAME; AMENDING CHAPTER 1, TITLE 36, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 36-124, IDAHO CODE, TO PROVIDE FOR RECIPROCAL LICENSURE AGREEMENTS WITH CERTAIN INDIAN TRIBES.

S 1056, S 1057, S 1058, and S 1059 were introduced, read the first time at length, and referred to the Judiciary and Rules Committee for printing.

H 30, H 59, and H 60, by Mr. Speaker, were introduced, read the first time at length, and referred to the Commerce and Human Resources Committee.

H 83, by State Affairs Committee, was introduced, read the first time at length, and referred to the Resources and Environment Committee.

H 44, by Mr. Speaker, was introduced, read the first time at length, and referred to the Resources and Environment Committee.

The Senate advanced to the Twelfth Order of Business.

Second Reading of Bills

S 1026, by Commerce and Human Resources Committee, was read the second time at length and filed for third reading.

H 31 and **H 53**, by Mr. Speaker, were read the second time at length and filed for third reading.

The Senate advanced to the Thirteenth Order of Business.

Third Reading of Bills

S 1019 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Burkett arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bailey, Brandt, Bunderson, Burkett, Burtenshaw, Calabretta, Cameron, Compton, Darrington, Davis, Gannon, Geddes, Goedde, Hill, Ingram, Kennedy, Keough, Little, Lodge, Malepeai, Marley, McKenzie, McWilliams, Noh, Pearce, Richardson, Schroeder, Stegner, Sweet, Werk, Williams. Total - 32.

NAYS--None.

Absent and excused--Noble, Sorensen, Stennett. Total - 3.

Total - 35.

Whereupon the President declared **S 1019** passed, title was approved, and the bill ordered transmitted to the House.

S 1028 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Darrington arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bailey, Brandt, Bunderson, Burkett, Burtenshaw, Calabretta, Cameron, Compton, Darrington, Davis, Gannon, Geddes, Goedde, Hill, Ingram, Kennedy, Keough, Little, Lodge, Malepeai, Marley, McKenzie, McWilliams, Noh, Pearce, Richardson, Schroeder, Stegner, Sweet, Werk, Williams. Total - 32.

NAYS--None.

Absent and excused--Noble, Sorensen, Stennett. Total - 3.

Total - 35.

Whereupon the President declared **S 1028** passed, title was approved, and the bill ordered transmitted to the House.

H 87 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Richardson arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bailey, Brandt, Bunderson, Burkett, Burtenshaw, Cameron, Compton, Darrington, Davis, Gannon,

Geddes, Goedde, Hill, Ingram, Kennedy, Keough, Little, Lodge, Malepeai, Marley, McKenzie, McWilliams, Noh, Pearce, Richardson, Schroeder, Stegner, Sweet, Werk, Williams. Total - 31.

NAYS--Calabretta. Total - 1.

Absent and excused--Noble, Sorensen, Stennett. Total - 3.

Total - 35.

Whereupon the President declared **H 87** passed, title was approved, and the bill ordered returned to the House.

H 68 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Sweet arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bailey, Brandt, Bunderson, Burkett, Burtenshaw, Calabretta, Cameron, Compton, Darrington, Davis, Gannon, Geddes, Goedde, Hill, Ingram, Kennedy, Keough, Little, Lodge, Malepeai, Marley, McKenzie, McWilliams, Noh, Pearce, Richardson, Schroeder, Stegner, Sweet, Werk, Williams. Total - 32.

NAYS--None.

Absent and excused--Noble, Sorensen, Stennett. Total - 3.

Total - 35.

Whereupon the President declared **H 68** passed, title was approved, and the bill ordered returned to the House.

H 69 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Malepeai arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bailey, Brandt, Bunderson, Burkett, Burtenshaw, Calabretta, Cameron, Compton, Darrington, Davis, Gannon, Geddes, Goedde, Hill, Ingram, Kennedy, Keough, Little, Lodge, Malepeai, Marley, McKenzie, McWilliams, Noh, Pearce, Richardson, Schroeder, Stegner, Sweet, Werk, Williams. Total - 32.

NAYS--None.

Absent and excused--Noble, Sorensen, Stennett. Total - 3.

Total - 35.

Whereupon the President declared **H 69** passed, title was approved, and the bill ordered returned to the House.

On request by Senator Davis, granted by unanimous consent, **H 54** was removed from the Consent Calendar, and placed at the foot of the Third Reading Calendar.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Fifteenth Order of Business.

Miscellaneous Business

On motion by Senator Davis, seconded by Senator Burkett, by voice vote the Senate adjourned at 12 noon until the hour of 11:15 a.m., Tuesday, February 4, 2003.

JAMES E. RISCH, President

Attest: JEANNINE WOOD, Secretary